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5 *Attorney for Paul Michael Marciniak*

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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,  
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11 Plaintiff,  
12  
13 vs.  
14 PAUL MICHAEL MARCINIAK,  
Defendant.

CASE NO.: 2:17-cr-00014-JAD-BNW

**STIPULATION TO CONTINUE  
SENTENCING**

(FIFTH REQUEST)

15 IT IS HEREBY STIPULATED AND AGREED, by Defendant Paul Michael  
16 Marciniak, by and through his attorney, Thomas A. Ericsson, Esq., and the United States of  
17 America, by and through Nicholas A. Trutanich, United States Attorney, and Daniel Cowhig,  
18 Assistant United States Attorney, that the sentencing hearing currently scheduled for  
19 September 17, 2019, at the hour of 2:00 p.m., be vacated and continued for at least three  
20 weeks to a date and time that is convenient to this Honorable Court.

21 The request for a continuance is based upon the following:

- 22 1. Defense Counsel is working on a mitigation issue related to sentencing and requires  
23 additional time to address the issue before sentencing.
- 24 2. Mr. Marciniak is currently in custody, and he does not object to the continuance.
- 25 3. Counsel for Mr. Marciniak has spoken with AUSA Daniel Cowhig, and the  
26 Government agrees to the continuance.
- 27 4. The additional time requested by this Stipulation to Continue Sentencing is reasonable  
28 pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the "court may, for good  
cause, change any time limits prescribed in this rule."

- 1           5. The additional time requested herein is not sought for the purposes of undue delay.
- 2           6. Additionally, denial of this request for a continuance could result in a miscarriage of
- 3 justice.

4 DATED: September 12, 2019

5 Respectfully submitted,

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7 /s/ Thomas A. Ericsson

8 Thomas A. Ericsson, Esq.  
9 Oronoz & Ericsson, LLC  
10 1050 Indigo Dr., Suite 120  
11 Las Vegas, Nevada 89145  
12 Attorney for Defendant Marciniak

/s/ Daniel Cowhig

Daniel Cowhig  
Assistant United States Attorney  
District of Nevada  
501 Las Vegas Blvd. South, Suite 1100  
Las Vegas, Nevada, 89101  
Attorney for the United States of America

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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
PAUL MICHAEL MARCINIAK,  
  
Defendant.

CASE NO.: 2:17-cr-00014-JAD-BNW

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDER**

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. Defense Counsel is working on a mitigation issue related to sentencing and requires additional time to address the issue before sentencing.
2. Mr. Marciniak is currently in custody, and he does not object to the continuance.
3. Counsel for Mr. Marciniak has spoken with AUSA Daniel Cowhig, and the Government agrees to the continuance.
4. The additional time requested by this Stipulation to Continue Sentencing is reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the "court may, for good cause, change any time limits prescribed in this rule."
5. The additional time requested herein is not sought for the purposes of undue delay.
6. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

**CONCLUSIONS OF LAW**

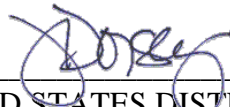
The ends of justice served by granting said continuance outweigh the best interests of the public in proceeding with the sentencing hearing as scheduled, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant

1 the opportunity to appear for his sentencing hearing, taking into account the exercise of due  
2 diligence.

3 **ORDER**

4 IT IS THEREFORE ORDERED that the Sentencing date in this matter scheduled for  
5 September 17, 2019, be vacated and continued to October 7, 2019, at 10:00 a.m.  
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8 DATED: 9/13/2019

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12 UNITED STATES DISTRICT JUDGE  
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